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UNITED STATES PATENT AND TRADEMARK OFFICE

BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	Haiber et al.
Appl. Serial No.:	10/625,323
Filed:	07/03/2003
For:	Decorative Hanging Fabric Panels with Integrated Stiffened Areas
Art Unit:	3634
Examiner:	Lev

In furtherance of the Notice of Appeal having an Office date of receipt of 06/23/2005, please find enclosed:

(1) Appeal Brief (in triplicate).

(2) Fee Transmittal Form

(3) Check for $250.00 (small entity)

Respectfully submitted,

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8/23/05
Date

Thomas C. Saitta

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

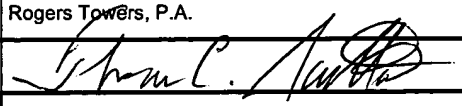
Application Number	10/625,323
Filing Date	07/23/2003
First Named Inventor	Haiber
Art Unit	3634
Examiner Name	Lev
Attorney Docket Number	G0645.10U

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
- [x] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [x] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please Identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Rogers Towers, P.A.		
Signature			
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Date	08/23/2005	Reg. No.	32102

CERTIFICATE OF TRANSMISSION/MAILING

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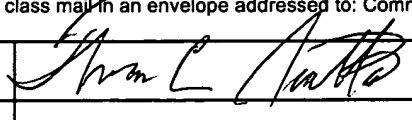
Signature			
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PTO/SB/17 (12-04v2)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($)	250

Complete if Known	
Application Number	10/625,323
Filing Date	07/23/2003
First Named Inventor	Haiber
Examiner Name	Lev
Art Unit	3634
Attorney Docket No.	G0645.10U

METHOD OF PAYMENT (check all that apply)

☑ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 502260 Deposit Account Name: Rogers Towers, P.A.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____	x _____	= _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____	x _____	= _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims Fee ($)	Multiple Dependent Claims Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

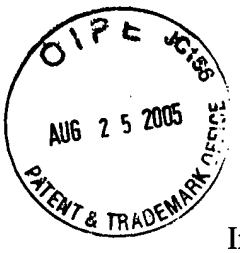
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____ / 50 =	_____ (round up to a whole number)	x _____	= _____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	_____
Other (e.g., late filing surcharge): Appeal Brief filing fee	_____

SUBMITTED BY

Signature	Thomas C. Saitta	Registration No. (Attorney/Agent) 32102	Telephone 904-346-5518
Name (Print/Type)	Thomas C. Saitta		Date 08/23/2005



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Art Unit:	3634
Examiner:	Lev

APPEAL BRIEF

(1) Real Parties in Interest:

Haiber, Gerd and Gleinser-Fischer, Herbert

(2) Related Appeals and Interferences:

None

(3) Status of Claims:

Claims 1 - 21:	Rejected
Claim 22:	Allowed
Claims 23 - 31:	Rejected
Claim 32:	Allowed
Claims 33 - 34:	Rejected
Claim 35:	Allowed

(4) Status of Amendments:

None filed subsequent to final rejection. Earlier amendments were entered.

(5) Summary of Invention:

Claim 1. A decorative hanging fabric panel 5 for covering an architectural opening,	Page 5, lines 3-6; Page 8, lines 8-9.
said panel 5 formed of intersecting base yarns 2, said panel 5 comprising:	Page 5, lines 3-4; Figs. 1, 4.
a plurality of intersecting base yarns 2 defining a body region 11 having edges and an interior;	Page 10, line 21 to Page 11, line 5.
a supportive header 7 disposed along one edge of said body region 11,	Page 6, lines 7-11; Page 10, lines 23-25; Figs. 1, 3.
said supportive header 7 comprising a plurality of stiffener yarns 1 intersecting with some of said base yarns 2,	Page 5, lines 6-10; Page 10, lines 25-31; Fig. 1.
said stiffener yarns 1 comprising in combination low melt temperature filaments 8 and common polymer filaments 9,	Page 5, lines 10-13; Page 8, lines 21-26; Page 11, lines 9-16; Fig 2.
said low melt temperature filaments 8 having a melting point below the melting point of said common polymer filaments 9 and said base yarns 2;	Page 5, lines 13-15; Page 9, lines 18-25; page 11, lines 17-29.

whereby said low melt temperature filaments 8 bond with said common polymer filaments 9 and with said intersecting base yarns 2 upon melting and re-hardening such that said supportive header 7 is more rigid than said body region 11.

Page 5, lines 22-27; Page 9, line 30 to Page 10, line 18; Page 12, lines 5-25.

Claim 2. The panel 5 of claim 1, wherein the melting point of said low melt temperature filaments 8 is below a specified heat treatment temperature and the melting point of said base yarns 2 and said common polymer filaments 9 is above said specified heat treatment temperature.

Page 5, lines 18-22; Page 9, line 18 to Page 10, line 5; Page 10, lines 12-14.

Claim 3. The panel 5 of claim 2, wherein said specified heat treatment temperature is the temperature at which said panel 5 is tentered during the manufacturing process.

Page 5, lines 20-22; Page 9, lines 25-26; Page 11, lines 23-26.

Claim 4. The panel 5 of claim 2, wherein said specified heat treatment temperature is approximately 180 degrees C.

Page 9, line 30 to page 10, line 2; Page 11, lines 23-26.

Claim 5. The panel 5 of claim 1, wherein the melting point of said low temperature polymer filaments 8 is no greater than approximately 150 degrees C	Page 9, lines 23-25.
and the melting point of said common polymer filaments 9 is no less than approximately 250 degrees C.	Page 9, lines 18-20.
Claim 6. The panel 5 of claim 5, wherein the melting point of said base yarns is no less than approximately 250 degrees C.	Page 9, lines 18-22.
Claim 7. The panel 5 of claim 1, wherein said stiffener yarns 1 are more rigid after melting and re-hardening of said low melt temperature filaments 8.	Page 5, lines 18-27; page 8, lines 21-26; page 10, lines 14-16; page 12, lines 15-20.
Claim 8. The panel 5 of claim 1, wherein said supportive header 7 is a single layer.	Page 6, lines 10-11.

Claim 9. The panel 5 of claim 1, wherein the handling characteristics of said base yarns 2 and said stiffener yarns 1 prior to being melted and re-hardened are similar.	Page 5, lines 28-29; Page 8, lines 21-23 and 26-29; Page 9, lines 26-29; Page 11, lines 20-23.
Claim 10. The panel 5 of claim 1, further comprising stiffener yarns 1 disposed along the edge of said body region 11 opposite to said supportive header 7 to define a bottom edge 6, wherein said bottom edge 6 is more rigid than said body region 11 upon melting and re-hardening of said stiffener yarns 1.	Page 9, lines 13-14; Page 11, lines 2-3; Page 13, lines 13-16; Fig. 3.
Claim 11. The panel 5 of claim 1, further comprising stiffener yarns 1 disposed within said interior of said body region 11.	Page 5, lines 6-10; Page 8, lines 18-21; Page 9, lines 13-17; Page 13, lines 27-28; Fig. 4.
Claim 12. The panel 5 of claim 1, wherein some of said base yarns 2 are alternated in parallel with said stiffener yarns 1.	Page 6, lines 2-5; Page 11, lines 2-5; Page 13, lines 3-5; Fig. 4.

Claim 13. A decorative hanging fabric panel 5 for covering an architectural opening,	Page 5, lines 3-6; Page 8, lines 8-9.
said panel 5 comprising in combination intersecting base yarns 2 and stiffener yarns 1	Page 5, lines 3-4; Figs. 1, 4.
and having at least one stiffened area 7 defined by the location of said stiffener yarns 1, such that the rigidity of said stiffened area 7 is greater than that of the remainder of the panel 5 in which no stiffener yarns 1 are located;	Page 5, lines 6-10; page 8, lines 21-26; Figs. 1, 3, 4.
said base yarns 2 having a melting point;	Page 11,lines 2-23.
said stiffener yarns 1 comprising in combination low melt temperature polymer filaments 8 having a melting point and common polymer filaments 9 having a melting point,	Page 5, lines 10-13; Page 8, lines 21-26; Page 11, lines 9-16; Fig 2.
wherein said melting point of said low melt temperature polymer filaments 8 is less than said melting points of said base yarns 2 and said common polymer filaments 1;	Page 5, lines 13-15; Page 9, lines 18-25; page 11, lines 17-29.
whereby said low melt temperature filaments 8 are bonded with said common polymer filaments 9 and said base yarns 2 within said stiffened area 7 upon melting of said low melt temperature filaments 8 at a temperature below said melting points of said base yarns 2 and said common polymer filaments 9 and subsequent re-hardening.	Page 5, lines 22-27; Page 9, line 30 to Page 10, line 18; Page 12, lines 5-25.

Claim 14. The panel 5 of claim 13, wherein said melting point of said low temperature polymer filaments 8 is below approximately 180 degrees C and said melting points of said base yarns 2 and said common polymer filaments 9 are above approximately 180 degrees C.	Page 5, lines 18-22; Page 9, line 18 to page 10, line 12.
Claim 15. The panel 5 of claim 14, wherein said melting point of said low temperature polymer filaments 8 is no greater than approximately 150 degrees C	Page 9, lines 23-25.
and said melting point of said common polymer filaments 9 is no less than approximately 250 degrees C.	Page 9, lines 18-20.
16. The panel 5 of claim 15, wherein said melting point of said base yarns 2 is no less than approximately 250 degrees C.	Page 9, lines 18-22.
17. The panel 5 of claim 13, wherein said stiffened area 7 defines a supportive header.	Page 6, lines 7-11; Page 10, lines 23-25; Figs. 1, 3.

Claim 18. The panel 5 of claim 13, wherein the handling characteristics of said base yarns 2 and said stiffener yarns 1 prior to being melted and re-hardened are similar.	Page 5, lines 28-29; Page 8, lines 21-23 and 26-29; Page 9, lines 26-29; Page 11, lines 20-23.
Claim 19. The panel 5 of claim 13, wherein said stiffened area 7 is along an edge of said panel 5.	Page 6, lines 7-11; Page 10, lines 23-25; Page 9, lines 13-14; Page 11, lines 2-3; Page 13, lines 13-16; Figs. 1, 3.
Claim 20. The panel 5 of claim 13, wherein said stiffened area 7 is within the interior of said panel 5.	Page 5, lines 6-10; Page 8, lines 18-21; Page 9, lines 13-17; Page 13, lines 27-28; Fig. 4.
Claim 21. The panel 5 of claim 13, wherein some of said base yarns 2 are alternated in parallel with said stiffener yarns 1.	Page 6, lines 2-5; Page 11, lines 2-5; Page 13, lines 3-5; Fig. 4.
Claim 22. The panel 5 of claim 13 comprising a pair of stiffened areas 7 adjacent each other, wherein said stiffened areas 7 are joined together to define a rib 14.	Page 13, line 13 to page 14, line 4; Figs. 5, 6.

Claim 23. A method of manufacturing a decorative hanging fabric panel 5 for covering an architectural opening, said panel 5 having at least one stiffened area 7, comprising the steps of:	Page 5, lines 1-10; Page 10, line 19 to page 12, line 25.
providing base yarns 2 and stiffener yarns 1, said stiffener yarns 1 comprising in combination low melt temperature polymer filaments 8 and common polymer filaments 9,	Page 5, lines 10-17; Page 8, lines 14-26; Page 11, lines 9-16.
wherein the melting point of said low melt temperature polymer filaments 8 is less than the melting points of said base yarns 2 and said common polymer filaments 1;	Page 5, lines 13-15; Page 9, lines 18-25; page 11, lines 17-29.
producing a fabric panel 5 by intersecting said stiffener yarns 1 with said base yarns 2;	Page 5, lines 6-10; Page 10, lines 25-31; Figs. 1, 4.
heating said fabric panel 5 to a temperature greater than the melting point of said low melt temperature polymer filaments 8 but less than the melting points of said base yarns 2 and said common polymer filaments 1, such that said low melt temperature polymer filaments 8 flow into greater contact with said common polymer filaments 9 and with any base yarns 2 adjacent to or intersecting said stiffener yarns 1;	Page 9, line 30 to Page 10, line 12; Page 12, lines 5-15.

reducing the temperature of said fabric panel 5 to a temperature less than the melting point of said low melt temperature polymer filaments 8 such that said low melt temperature polymer filaments 8 re-harden and bond with said common polymer filaments 9 and with any base yarns 2 adjacent to or intersecting said stiffener yarns 1 to define a stiffened area 7 having greater rigidity than areas of said fabric panel 5 not containing said stiffener yarns 1.

Page 5, lines 22-27; Page 10, lines 14-18; Page 12, lines 15-25.

Claim 24. The method of claim 23, wherein said step of heating said fabric panel 5 comprises tentering said fabric panel 5.

Page 5, lines 18-22; Page 9, line 30 to Page 10, line 1; Page 12, lines 4-5.

Claim 25. The method of claim 23, wherein said step of intersecting said base yarns 2 and said stiffener yarns 1 is performed by weaving.

Page 5, lines 6-10; Page 8, lines 18-21; page 9, lines 4-8 and 13-17; Page 10, lines 19-31.

Claim 26. The method of claim 23, wherein said step of intersecting said base yarns 2 and said stiffener yarns 1 is performed by knitting.

Page 5, line 10; Page 8, lines 19; page 9, lines 4 - 10 and 15; Page 10, lines 26-27.

Claim 27. The method of claim 23, wherein said fabric panel 5 is heated to greater than approximately 150 degrees C and less than approximately 250 degrees C.	Page 5, lines 18-27; Page 9, line 18 to page 10, line 5; page 11, lines 17-29.
Claim 28. The method of claim 24, wherein said fabric panel 5 is heated to greater than approximately 150 degrees C and less than approximately 250 degrees C.	Page 5, lines 18-27; Page 9, line 18 to page 10, line 5; page 11, lines 17-29.
Claim 29. The method of claim 24, wherein said fabric panel 5 is heated to approximately 180 degrees C.	Page 5, lines 18-27; Page 9, line 18 to page 10, line 5; page 11, lines 17-29.
Claim 30. The method of claim 23, wherein said stiffener yarns 1 are positioned adjacent an edge of said fabric panel 5 to define a single layer supportive header 7.	Page 6, lines 7-11; Page 10, lines 23-25; Page 9, lines 13-14; Page 11, lines 2-3; Page 13, lines 13-16; Figs. 1, 3.
Claim 31. The method of claim 23, wherein said stiffener yarns 1 are positioned within the interior of said fabric panel 5.	Page 5, lines 6-10; Page 8, lines 18-21; Page 9, lines 13-17; Page 13, lines 27-28; Fig. 4.

Claim 32. The method of claim 31, wherein multiple stiffened areas 7 are produced and wherein adjacent stiffened areas 7 are joined together to define ribs 14.	Page 13, line 13 to page 14, line 4; Figs. 5, 6.
Claim 33. The method of claim 23, wherein said stiffener yarns 1 are alternated in parallel with said base yarns 2.	Page 6, lines 2-5; Page 11, lines 2-5; Page 13, lines 3-5; Fig. 4.
Claim 34. The method of claim 23, further comprising the step of inserting grommets 12 into said stiffened area 7.	Page 13, line 27 to Page 14, line 1.
Claim 35. The method of claim 32, further comprising the step of inserting grommets 12 into said stiffened area 7.	Page 13, line 27 to Page 14, line 1.

Stated in alternative language, the invention is as follows:

A decorative hanging fabric panel 5 (e.g., a curtain) for covering an architectural opening (e.g., a window), the panel being formed of intersecting base yarns 2 and stiffener yarns 1, wherein the stiffener yarns 1 comprise in combination both low melt temperature filaments 8 and common polymer filaments 9, wherein the low melt temperature filaments 8 have a melting point below the melting point of the common polymer filaments 9 and the base yarns 2, and whereby the low melt temperature filaments 8 bond with the common polymer filaments 9 and with the base yarns 2 upon melting and re-hardening to create a stiffened area 7 more rigid than the areas of the panel 5 not containing stiffener yarns 1.

The panel 5 is formed of intersecting yarns (base 2 and stiffener 1), with the stiffener yarn 1 formed as a combination of filaments (low melt temperature 8 and common polymer 9), where common polymer filaments 9 are defined to be filaments made of the same material as the base yarn 2 or of a material having similar handling and processing characteristics as the base yarn 2.

A method of manufacturing such a panel 5 comprising producing a fabric panel 5 by intersecting the stiffener yarns 1 and the base yarns 2 as described above, heating the panel 5 to a temperature greater than the melting point of the low melt temperature polymer filaments 8 but less than the melting point(s) of the base yarns 2 and the common polymer filaments 9, allowing the low temperature polymer filaments 8 to flow into greater contact with the common polymer

filaments9 and any base yarns 2 in contact with the stiffener yarns 1, then reducing the temperature below the melting point of the low melt temperature polymer filaments 8 such that they harden to create a stiffened region 7 of greater rigidity than the other areas of the panel 5 not containing stiffener yarns 1.

(6) Issues:

I. Whether Claims 1-21, 23, 27-31 and 33 are unpatentable under 35 U.S.C. 102(e) as being anticipated by Greenhalgh 2002/0083820.

II. Whether claim 24 is unpatentable under 35 U.S.C. 103(a) over Greenhalgh in view of Japanese patent of Mizukami 404272251.

III. Whether claims 25 and 26 are unpatentable under 35 U.S.C. 103(a) over Greenhalgh in view of Verpoest 6,184,161.

IV. Whether claim 34 is unpatentable under 35 U.S.C. 103(a) over Greenhalgh in view of Haiber 6,059,009.

(7) Grouping of Claims:

Group I (Claims 1-21, 23, 27-31 and 33): Applicant states that the claims of the group do not stand or fall together.

(8) Argument:

I. Whether Claims 1-21, 23, 27-31 and 33 are unpatentable under 35 U.S.C. 102(e) as being anticipated by Greenhalgh 2002/0083820.

Independent claim 1 requires (in pertinent part) a decorative hanging fabric panel comprising a plurality of intersecting base yarns, a supportive header comprising a plurality of stiffener yarns intersecting with some of said base yarns, said stiffener yarns comprising in combination low melt temperature filaments and common polymer filaments, said low melt temperature filaments having a melting point below the melting point of said common polymer filaments and said base yarns (emphasis added).

The Examiner has rejected this claim under Section 102(e) as anticipated by Greenhalgh. As argued in the in the Amendment and Response (filed 01/11/2005), it is submitted that Greenhalgh does not "describe" the invention under Section 102(e) (page 9, line 7 to page 11, line 4). Simply put, it is submitted that Greenhalgh does not meet the minimum requirements for maintaining a rejection based on anticipation, as all of the essential elements set forth in the

claim are not identically set forth in Greenhalgh. Herman v. William Brooks Shoe Co., 54 USPQ2d 1046 (S.D. N.Y. 2000); Gechter v. Davidson, 116 F.3rd 1454, 1457, 43 USPQ2d, 1030, 1032 (Fed. Cir. 1997).

Greenhalgh teaches a fabric having a plurality of filamentary members with a first group of filamentary members having a low melting point and a second group of filamentary members having a relatively high melting point, where the first group is joined to the second group by heating the fabric to a temperature higher than the melting point of the first group but lower than the melting point of the second group, such that the first group fuses with the second group at mutual points of contact (paragraphs 0009 and 0020). The use of polyester yarns for the members having a higher relative melting point and the use of monofilament polypropylene (i.e., a single untwisted strand of synthetic material) for the members having a lower melting point is given as the example (paragraph 0024).

The invention as set forth in the independent claim 1 requires the use of stiffener yarns intersecting with base yarns. The stiffener yarn comprises in combination (1) low melt temperature filaments and (2) common polymer filaments, where the low melt temperature filaments have a melting point below the melting point of the base yarns and the common polymer filaments - the common polymer filaments being specifically defined in the specification as being "preferably identical or very similar in physical properties to the base yarns comprising the fabric panel, and most preferably comprise the identical material forming the base yarns", i.e., polymers having "common" characteristics (page 9, lines 18-22). Thus the stiffener yarn, the member that fuses to bond with the base yarns at the intersections, must be composed of at least two components - the common polymer filaments (with a relatively high melting point) and the low melt temperature filaments. During the fusing process only the low

melt temperature components of the stiffener yarn melt, fuse and re-harden, since the temperature is kept below the melting point of the common polymer filaments.

There is no element set forth in Greenhalgh that is a stiffener yarn comprising in combination low melt temperature filaments and common polymer filaments. Greenhalgh uses low melt monofilament polypropylene yarns (i.e., a single untwisted strand of synthetic material). Therefore Greenhalgh cannot anticipate the invention of claim 1.

In addition, claim requires a fabric panel having a "header comprising a plurality of stiffener yarns intersecting with some of said base yarns", and Greenhalgh has no such element. The Examiner declares one of the "edges" of Greenhalgh to be an identical structure to the header element of the claims (page 2, final office action of 02/22/2005). Greenhalgh shows tubular structures, and there is no "edge" that could be a header, since the reinforcement monofilaments are symmetrically disposed.

This claim is patentably distinct from the other claims in the group in that a header element is required.

The dependent claims 2-12 may stand or fall depending on the patentability of claim 1.

Independent claim 13 requires (in pertinent part) a fabric panel comprising in combination intersecting base yarns and stiffener yarns, said stiffener yarns comprising in combination low melt temperature polymer filaments and common polymer filaments, wherein the melting point of said low melt temperature polymer filaments is less than the melting points of said base yarns and said common polymer filaments (emphasis added).

Applicant submits the same argument here as above for the multi-component stiffener yarns of claim 1, in that Greenhalgh does not anticipate this claimed element. The stiffener yarns of Greenhalgh are monofilament members.

This claim is patentably distinct from other claims in the group in that claim 1 requires a header, a feature not required in this claim, where the stiffened region can be in the interior.

The dependent claims 14-21 may stand or fall depending on the patentability of claim 13.

Independent claim 23 is a method claim that requires (in pertinent part) providing base yarns and stiffener yarns, said stiffener yarns comprising in combination low melt temperature polymer filaments and common polymer filaments, wherein the melting point of said low melt temperature polymer filaments is less than the melting points of said base yarns and said common polymer filaments.

Applicant submits the same argument here as above regarding the multi-component stiffener yarns of claim 1 and 13, in that Greenhalgh does not anticipate a step of providing such stiffener yarns. The stiffener yarns of Greenhalgh are monofilament members.

Furthermore, this claim is patentably distinct from the other article claims of this group as this claim is the broadest method claim.

The dependent claims 27-31 and 33 may stand or fall depending on the patentability of claim 23.

II. Whether claim 24 is unpatentable under 35 U.S.C. 103(a) over Greenhalgh in view of Japanese patent of Mizukami 404272251.

A rejection under Section 103(a) requires that the combined prior art references teach or suggest all the claim limitations. MPEP 706.02(j), further based on the requirements of Graham v. John Deere, 383 U.S. 1, 148 459 (1966) and MPEP 2141-2144.9.

Mizukami merely adds the well-known fact that tentering fabric is known in the art.

Claim 24 adds the limitation of tentering the fabric to the method of independent claim 23, and claim 23 requires the step of providing stiffener yarns comprising in combination low melt temperature polymer filaments and common polymer filaments. Neither Greenhalgh nor Mizukami, alone or in combination, suggest, motivate or teach this step and thus a rejection under Section 103 is not founded.

III. Whether claims 25 and 26 are unpatentable under 35 U.S.C. 103(a) over Greenhalgh in view of Verpoest 6,184,161.

A rejection under Section 103(a) requires that the combined prior art references teach or suggest all the claim limitations. MPEP 706.02(j), further based on the requirements of Graham v. John Deere, 383 U.S. 1, 148 459 (1966) and MPEP 2141-2144.9.

Verpoest merely adds the well-known fact that weaving and knitting are known in the art.

Claim 25 adds the limitation of weaving the fabric and claim 26 adds the limitation of knitting the fabric to the method of independent claim 23, and claim 23 requires the step of providing stiffener yarns comprising in combination low melt temperature polymer filaments and common polymer filaments. Neither Greenhalgh nor Verpoest, alone or in combination, suggest, motivate or teach this step and thus a rejection under Section 103 is not founded.

IV. Whether claim 34 is unpatentable under 35 U.S.C. 103(a) over Greenhalgh in view of Haiber 6,059,009.

A rejection under Section 103(a) requires that the combined prior art references teach or suggest all the claim limitations. MPEP 706.02(j), further based on the requirements of Graham v. John Deere, 383 U.S. 1, 148 459 (1966) and MPEP 2141-2144.9.

Haiber merely adds the well-known fact that use of grommets is known in the art.

Claim 34 adds the limitation of providing grommets to the method of independent claim 23, and claim 23 requires the step of providing stiffener yarns comprising in combination low melt temperature polymer filaments and common polymer filaments. Neither Greenhalgh nor

Haiber, alone or in combination, suggest, motivate or teach this step and thus a rejection under Section 103 is not founded.

In brief summation of the arguments presented herein, the primary focus is the limitation in the claims regarding the fact the fabric panel is comprised of intersecting base yarns (B yarns) and stiffener yarns (S yarns), where the stiffener yarns are comprised of both low melt temperature filaments (L filaments) and common polymer filaments (B' filaments), the B' filaments being defined to be filaments made of the same material as the B yarn or of a material having similar handling and processing characteristics as the B yarn. Thus, the S yarn is made of L/B' filaments in combination. The S yarn is then intersected with the B yarns.

Greenhalgh teaches using B yarns (polyester yarn members 510, 512) intersected with S yarns that consist of polypropylene monofilament members 514, 516. A monofilament member is like a piece of standard fishing line. It is not composed of various filament material having different melt, handling and processing characteristics. The S yarns of the invention are different from the monofilament members of Greenhalgh during creation of the fabric panel, during the melt/reharden process step, and after the panel has been fully processed, as previously discussed and argued in the Amendment and Response (filed 01/11/2005) at pate 10 lines 6-21.

Thus, Greenhalgh cannot anticipate under Section 102 the claims as presented, nor is there any suggestion, motivation or teaching by prior art combined with Greenhalgh to make obvious the claims under Section 103.

For the reasons set forth above, it is respectfully requested that the final rejection of the claims at issue be reversed in whole, and that the claims be passed for allowance and issue.

Respectfully submitted,

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The undersigned certifies that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.

8/23/05
Date

Thomas C. Saitta

(9) Appendix:

Claims:

1. A decorative hanging fabric panel for covering an architectural opening, said panel formed of intersecting base yarns, said panel comprising:

a plurality of intersecting base yarns defining a body region having edges and an interior;

a supportive header disposed along one edge of said body region, said supportive header comprising a plurality of stiffener yarns intersecting with some of said base yarns, said stiffener yarns comprising in combination low melt temperature filaments and common polymer filaments, said low melt temperature filaments having a melting point below the melting point of said common polymer filaments and said base yarns;

whereby said low melt temperature filaments bond with said common polymer filaments and with said intersecting base yarns upon melting and re-hardening such that said supportive header is more rigid than said body region.

2. The panel of claim 1, wherein the melting point of said low melt temperature filaments is below a specified heat treatment temperature and the melting point of said base yarns and said common polymer filaments is above said specified heat treatment temperature.

3. The panel of claim 2, wherein said specified heat treatment temperature is the temperature at which said panel is tentered during the manufacturing process.

4. The panel of claim 2, wherein said specified heat treatment temperature is approximately 180 degrees C.

5. The panel of claim 1, wherein the melting point of said low temperature polymer filaments is no greater than approximately 150 degrees C and the melting point of said common polymer filaments is no less than approximately 250 degrees C.

6. The panel of claim 5, wherein the melting point of said base yarns is no less than approximately 250 degrees C.

7. The panel of claim 1, wherein said stiffener yarns are more rigid after melting and re-hardening of said low melt temperature filaments.

8. The panel of claim 1, wherein said supportive header is a single layer.

9. The panel of claim 1, wherein the handling characteristics of said base yarns and said stiffener yarns prior to being melted and re-hardened are similar.

10. The panel of claim 1, further comprising stiffener yarns disposed along the edge of said body region opposite to said supportive header to define a bottom edge, wherein said bottom edge is more rigid than said body region upon melting and re-hardening of said stiffener yarns.

11. The panel of claim 1, further comprising stiffener yarns disposed within said interior of said body region.

12. The panel of claim 1, wherein some of said base yarns are alternated in parallel with said stiffener yarns.

13. A decorative hanging fabric panel for covering an architectural opening, said panel comprising in combination intersecting base yarns and stiffener yarns and having at least one stiffened area defined by the location of said stiffener yarns, such that the rigidity of said stiffened area is greater than that of the remainder of the panel in which no stiffener yarns are located;

said base yarns having a melting point;

said stiffener yarns comprising in combination low melt temperature polymer filaments having a melting point and common polymer filaments having a melting point, wherein said melting point of said low melt temperature polymer filaments is less than said melting points of said base yarns and said common polymer filaments;

whereby said low melt temperature filaments are bonded with said common polymer filaments and said base yarns within said stiffened area upon melting of said low melt temperature filaments at a temperature below said melting points of said base yarns and said common polymer filaments and subsequent re-hardening.

14. The panel of claim 13, wherein said melting point of said low temperature polymer filaments is below approximately 180 degrees C and said melting points of said base yarns and said common polymer filaments are above approximately 180 degrees C.

15. The panel of claim 14, wherein said melting point of said low temperature polymer filaments is no greater than approximately 150 degrees C and said melting point of said common polymer filaments is no less than approximately 250 degrees C.

16. The panel of claim 15, wherein said melting point of said base yarns is no less than approximately 250 degrees C.

17. The panel of claim 13, wherein said stiffened area defines a supportive header.

18. The panel of claim 13, wherein the handling characteristics of said base yarns and said stiffener yarns prior to being melted and re-hardened are similar.

19. The panel of claim 13, wherein said stiffened area is along an edge of said panel.

20. The panel of claim 13, wherein said stiffened area is within the interior of said panel.

21. The panel of claim 13, wherein some of said base yarns are alternated in parallel with said stiffener yarns.

22. The panel of claim 13 comprising a pair of stiffened areas adjacent each other, wherein said stiffened areas are joined together to define a rib.

23. A method of manufacturing a decorative hanging fabric panel for covering an architectural opening, said panel having at least one stiffened area, comprising the steps of:

providing base yarns and stiffener yarns, said stiffener yarns comprising in combination low melt temperature polymer filaments and common polymer filaments, wherein the melting point of said low melt temperature polymer filaments is less than the melting points of said base yarns and said common polymer filaments;

producing a fabric panel by intersecting said stiffener yarns with said base yarns;

heating said fabric panel to a temperature greater than the melting point of said low melt temperature polymer filaments but less than the melting points of said base yarns and said common polymer filaments, such that said low melt temperature polymer filaments flow into greater contact with said common polymer filaments and with any base yarns adjacent to or intersecting said stiffener yarns;

reducing the temperature of said fabric panel to a temperature less than the melting point of said low melt temperature polymer filaments such that said low melt temperature polymer filaments re-harden and bond with said common polymer filaments and with any base yarns adjacent to or intersecting said stiffener yarns to define a stiffened area having greater rigidity than areas of said fabric panel not containing said stiffener yarns.

24. The method of claim 23, wherein said step of heating said fabric panel comprises tentering said fabric panel.

25. The method of claim 23, wherein said step of intersecting said base yarns and said stiffener yarns is performed by weaving.

26. The method of claim 23, wherein said step of intersecting said base yarns and said stiffener yarns is performed by knitting.

27. The method of claim 23, wherein said fabric panel is heated to greater than approximately 150 degrees C and less than approximately 250 degrees C.

28. The method of claim 24, wherein said fabric panel is heated to greater than approximately 150 degrees C and less than approximately 250 degrees C.

29. The method of claim 24, wherein said fabric panel is heated to approximately 180 degrees C.

30. The method of claim 23, wherein said stiffener yarns are positioned adjacent an edge of said fabric panel to define a single layer supportive header.

31. The method of claim 23, wherein said stiffener yarns are positioned within the interior of said fabric panel.

32. The method of claim 31, wherein multiple stiffened areas are produced and wherein adjacent stiffened areas are joined together to define ribs.

33. The method of claim 23, wherein said stiffener yarns are alternated in parallel with said base yarns.

34. The method of claim 23, further comprising the step of inserting grommets into said stiffened area.

35. The method of claim 32, further comprising the step of inserting grommets into said stiffened area.